

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:18CR119

DESMOND LITTLEJOHN,

Defendant.

DEFENDANT'S PROPOSED SPECIAL VOIR DIRE QUESTIONS

COMES NOW the defendant, Desmond Littlejohn, by counsel, and pursuant to Local Criminal Rule 30 of this Court, respectfully requests the following special voir dire questions in the above trial:

Prior Jury Service

1. Have you ever served on a jury before, whether state, or federal, and if so, was the case a civil or criminal matter?

Ability To Follow Essential Instructions

2. Do any of you have any feelings or opinions that might make it difficult for you to follow an instruction given to you by the Court that the defendant is presumed to be innocent, and that this presumption follows him throughout the entire course of these proceedings?

3. Do any of you have any feelings or opinions that might make it difficult for you to follow an instruction that the burden rests upon the government to prove beyond a reasonable doubt each of the elements of the charges against the defendant, and that you must find the defendant not guilty of any offense charged against him which is not so proven?

4. The mere fact that any person, such as Mr. Martinovich, has been charged and is on trial in no way means in and of itself that he has done anything wrong or that he is guilty of anything. Do any of you have any feelings or opinions that might make it difficult for you to accept that principle?

5. Do any of you have any feelings or opinions that might make it difficult for you to follow an instruction that the mere fact that the defendant, Jeffrey A. Martinovich, has been indicted by a grand jury is not evidence against him and you should not consider it?

Bias Regarding Charges

The charges brought by the government in this case against the defendant involve allegations of robbery and use of a firearm.

6. Have you, or any members of your immediate family had any experiences relating to any kind of violent crime, with or without a weapon, which might make it more difficult for you to render a verdict based solely on the law and the evidence?

7. Do any of you have any feelings about persons accused of robbery, which might make it more difficult for you to render a verdict based solely on the law and the evidence?

8. Have you or any members of your immediate family ever been the victims of a crime, whether violent or not?

Present/Prior Employment

9. Are you or any member of your immediate family currently employed, or have you ever been employed in the past, with the federal government? If so, what position?

10. Are you or any member of your immediate family currently employed, or have you ever been employed in the past, with the Commonwealth of Virginia or other state government, or any city or county government or any other local government, and if so, what position?

11. Have you or any member of your immediate family ever been employed in a law-related job, including working for an attorney, a prosecutor (including a United States Attorneys Office), a Court, as a paralegal, or as a court stenographer/reporter?

Affiliation With Counsel

12. Have you or any member of your immediate family ever been represented by William Muhr, Esquire, or their office in a legal matter or case; or by Mr. James O. Broccoletti or the law firm of Zoby, Broccoletti & Normile?

13. Have any of you had any other contact or experience with the United States Attorneys Office in Norfolk, Newport News, Richmond, Alexandria or other federal prosecutors offices, or the law firm of Zoby, Broccoletti & Normile, in or through the legal or court system?

the defendant, a former financial adviser, a fair trial based solely on the law and the

Other Questions Regarding Possible Bias

14. Have any of you ever been a witness for the prosecution or for the defense in a criminal case, and if so, for which party?

15. Have you or any member of your immediate family ever worked with any prosecutors office as a victim or witness?

16. Do any of you have any feelings or opinions that might prevent you from judging the testimony of the defendant in this case just as you would judge the testimony of any other witness or which would cause you to believe his testimony less just because he is the one on trial here today?

17. On the other hand, if the defendant chooses to exercise his right under our Constitution not to testify, would any of you have any difficulty following an instruction from the Court that you may not consider the defendants failure to testify in any way in arriving at your verdict?

18. Do any of you have any feelings or opinions that might make you believe a prosecution witness testimony more than that of the defense witness just because the witness is testifying for the prosecution?

19. Are you or any member of your immediate family currently employed, or ever have been employed in the past, by any law enforcement agency, whether local, state, federal, military, or private security?

20. Do any of you have any feelings or opinions that might make you believe a police or law enforcement officers testimony more than that of a non-law enforcement officer just because the witness happens to be a law enforcement officer?

21. If a witness who testifies in this case is, or was, a government employee or official, would you tend to believe that witness either more or less because of the witness' connection with the government?

22. Although the law provides that a defendant who is accused of a crime is presumed innocent, it is not uncommon for people to think, "Well, they must have committed some crime or else they would not be accused." Please raise your hand if

that thought has crossed your mind as you have sat here today? Please explain.

23. Please raise your hand if you believe that it is probably more likely than not that this defendant is guilty, otherwise the government would not have investigated him and brought him to trial. Please explain.

Concluding Questions

24. Do you have any thoughts, feelings, or opinions about the criminal justice system generally, based on anything you may have seen or heard in the media or any experience which you may have had personally, which might make it more difficult for you to give this defendant, Desmond Littlejohn, a fair and impartial trial based solely on the law and evidence received in this Courtroom?

25. If you are chosen as a juror, do you know of or do you have any other reason why you could not sit fairly and impartially and apply the instructions of the Court to the evidence presented to you?

26. Please take a look around the courtroom and raise your hand if you see anyone who you know among your fellow jurors. Who do you know and how do you know the person?

27. As I have said, this is a criminal case. The lawyers involved in this case will be prosecutors who work for the federal government on one side and criminal defense lawyers who are in private practice on the other side. Do any of you hold particular opinions about either government prosecutors or criminal defense lawyers? If you do, please raise your hand so that we can get a better idea of what your opinions are.

Respectfully submitted,

DESMOND LITTLEJOHN
By Counsel

_____/s/_____
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CERTIFICATE OF SERVICE

I hereby certify that on the 31st day of January, 2019, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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Assistant U.S. Attorney
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